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6 **BEFORE THE**
7 **CALIFORNIA BOARD OF OCCUPATIONAL THERAPY**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Petition to Revoke
11 Probation Against:

12 **LYNN MARIE FARNEY**
13 **30990 Avenida del Reposo**
14 **Temecula, CA 92591**

15 **Occupational Therapist License**
16 **No. OT 2989**

17 Respondent.

Case No. OT2005-179

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

18 **FINDINGS OF FACT**

19 1. On or about March 15, 2011, Complainant Heather Martin, in her official capacity as
20 the Executive Officer of the California Board of Occupational Therapy, Department of Consumer
21 Affairs, filed Petition to Revoke Probation No. OT2005-179 against Lynn Marie Farney
22 (Respondent) before the California Board of Occupational Therapy. (Petition to Revoke
23 Probation attached as Exhibit A.)

24 2. On or about November 8, 2002, the California Board of Occupational Therapy
25 (Board) issued Occupational Therapist License No. OT 2989 to Respondent. The Occupational
26 Therapist License was in full force and effect at all times relevant to the charges brought herein
27 and will expire on May 31, 2011, unless renewed.

28 3. On or about March 16, 2011, Respondent was served by Certified and First Class
Mail copies of the Petition to Revoke Probation No. OT2005-179, Statement to Respondent,
Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections
11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to California

1 Code of Regulations, title 16, section 4102, is required to be reported and maintained with the
2 Board, which was and is:

3 30990 Avenida del Reposo
4 Temecula, CA 92591

5 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
6 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
7 Code section 124.

8 5. Government Code section 11506 states, in pertinent part:

9 (c) The respondent shall be entitled to a hearing on the merits if the respondent
10 files a notice of defense, and the notice shall be deemed a specific denial of all parts
11 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

12 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
13 the Petition to Revoke Probation, and therefore waived her right to a hearing on the merits of
14 Petition to Revoke Probation No. OT2005-179.

15 7. California Government Code section 11520 states, in pertinent part:

16 (a) If the respondent either fails to file a notice of defense or to appear at the
17 hearing, the agency may take action based upon the respondent's express admissions
18 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

19 8. Pursuant to its authority under Government Code section 11520, the Board finds
20 Respondent is in default. The Board will take action without further hearing and, based on the
21 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
22 taking official notice of the Board's records documenting Respondent's lack of compliance with
23 her probation conditions, and statements contained therein on file at the Board's offices regarding
24 the allegations contained in Petition to Revoke Probation No. OT2005-179, finds that the charges
25 and allegations in Petition to Revoke Probation No. OT2005-179, are separately and severally,
26 found to be true and correct by clear and convincing evidence.

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ORDER

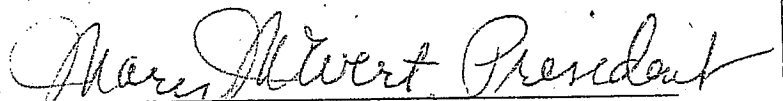
IT IS SO ORDERED that Occupational Therapist License No. OT 2989, heretofore issued to Respondent Lynn Marie Farney, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

Should Respondent's license be reinstated, she shall pay to the Board costs associated with its investigation and enforcement, as previously ordered, pursuant to Business and Professions Code section 125.3 in the amount of \$4,263.19. Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

This Decision shall become effective on May 11, 2011.

It is so ORDERED May 2, 2011


FOR THE CALIFORNIA BOARD OF
OCCUPATIONAL THERAPY
DEPARTMENT OF CONSUMER AFFAIRS

DOI Matter ID:SD2011700165

Attachment:
Exhibit A: Petition to Revoke Probation